

**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2015-0301AT **PC DATE:** September 13, 2016

PROJECT NAME: Fair Market

ADDRESS: 1101 E 5th St.

NEIGHBORHOOD PLAN: East Cesar Chavez

APPLICANT: Montwalk Holdings, Ltd. (Richard Kooris) 713-659-6060
1331 Lamar
Houston, TX 77010

AGENT: LOC Consultants (Sergio Lozano, P.E.) – 512-524-0677
1715 E 7th St.
Austin, TX 78702

AREA: 37,674.50 sq. ft. site area

DISTRICT: 3

WATERSHED: Waller Creek (Urban)

WATERSHED ORDINANCE: Comprehensive

C.I.P. STATUS: N/A

T.I.A.: N/A

CAPITOL VIEW: N/A

PROPOSED DEVELOPMENT:

The applicant is requesting approval of a Conditional Use Permit for Indoor Entertainment in Transit-Oriented Development (TOD) zoning.

EXISTING ZONING:

The property is located within the Plaza Saltillo TOD district, and within the TOD-Mixed Use Subdistrict. The site is subject to all zoning regulations within the Plaza Saltillo TOD regulating plan. Indoor Entertainment is a conditional use in TOD-Mixed Use Subdistrict.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit with the condition that all transportation review comments are cleared prior to site plan approval. The site plan will comply with all requirements of the Land Development Code prior to site plan approval.

CASE MANAGER: Donna Galati Telephone: 512-974-2733
Donna.Galati@austintexas.gov

PROJECT INFORMATION: 37,674.50 sq. ft.

EXIST. ZONING: TOD-Mixed Use

ALLOWED F.A.R.: 2:1

MAX. BLDG. COVERAGE: 95%

MAX. IMPERVIOUS CVRG.: 95%

REQUIRED PARKING: 13

PROPOSED F.A.R.: 0.4:1

PROPOSED BLDG. CVRG: 43.37%

PROPOSED IMPERVIOUS CVRG: 50.33%

PROVIDED PARKING: 4 On-site, 2 On-street, 9 Off-site

Proposed Access: E 5th St. & Alley

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The proposed indoor entertainment use is a conditional use in the Mixed-Use Subdistrict of the Plaza Saltillo TOD. The existing building onsite has been used recently as art gallery space and as temporary event space. This CUP will allow a permanent use, enabling the applicant to forego ongoing temporary permitting efforts.

Environmental: This site is located in the Waller Creek Watershed. All Environmental comments are cleared.

Transportation: Staff recommendation is to approve the CUP with the condition that all transportation comments are cleared prior to site plan approval:

- An off-site parking lease is required in accordance with the City of Austin standards for the required 9 vehicular off-site parking spaces. A site plan correction is required for Corazon (SP-2011-0307C) to account for the off-site parking spaces.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North:	Alley, then TOD - Mixed Use (personal services and parking)
East:	Waller Street, then TOD – Mixed Use (Office)
South:	E. 5 th St., then TOD – Mixed Use (Pine Street market)
West:	Valazquez Plaza Parkland

NEIGHBORHOOD ORGNIZATIONS:

A.N.T. Artists and Neighbors Together
 Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Neighborhoods Council
 Barrio Unido Neighborhood Assn.
 BikeAustin
 Capital Metro
 Del Valle Community Coalition
 East Austin Conservancy
 East Cesar Chavez Neighborhood Planning Team
 East Sixth IBIZ District
 El Concilio Mexican-American Neighborhoods
 Friends of Austin Neighborhoods
 Friends of the Emma Barrientos MACC
 Guadalupe Association for an Improved Neighborhood
 Guadalupe Neighborhood Development
 Organization of Central East Austin Neighborhoods (OCEAN)
 Preservation Austin
 SelTexas
 Sierra Club, Austin Regional Group
 Tejano Town
 The Real Estate Council of Austin, Inc.
 United East Austin Coalition
 Waller Creek Conservancy

Existing Street Characteristics:

Name	ROW	Pavement	Classification
E 5 th St.	80'	30'	Minor Arterial
Waller St.	60'	18'	Local

CONDITIONAL USE PERMIT

D. 25-5-145. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

§ 25-5-146 CONDITIONS OF APPROVAL.

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

A. The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section. A conditional use site plan must:

B.

1. Comply with the requirements of this title;

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

2. Comply with the objectives and purposes of the zoning district;

Staff Response: The proposed Indoor Entertainment use is a conditional use in the Plaza Saltillo TOD, Mixed Use Subdistrict.

3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

Staff Response: The site plan complies with all requirements of the Land Development Code. In addition, the site plan complies with setback and height requirements.

4. Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: The site plan complies with off-street parking and loading facility requirements. The required parking spaces are located on and off site.

5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.

Staff Response: The site plan will comply with all requirements of the Land Development Code and reasonably protects the health, safety, and welfare of persons and property.

C. In addition, a conditional use site plan may not:

6. More adversely affect an adjoining site than would a permitted use;

A construction sales and service will have no more impact on adjoining properties than other permitted uses in the Plaza Saltillo regulation plan which could operate with similar or later hours than the proposed construction sales and service.

7. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

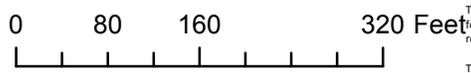
Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

8. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign. Staff Response: All signs and lighting will comply with the Land Development Code.



 SUBJECT TRACT
 ZONING BOUNDARY

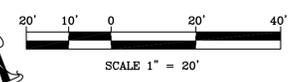
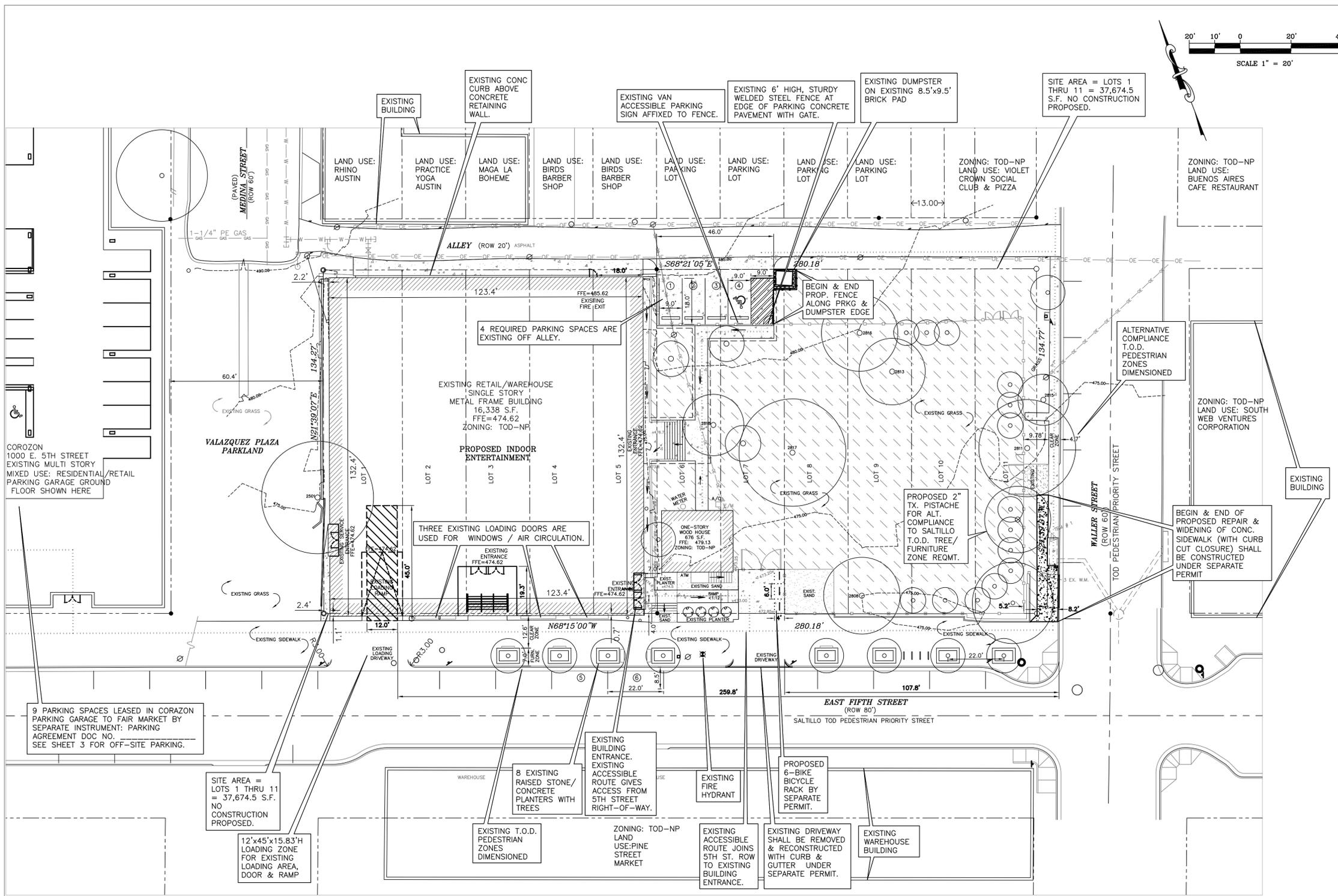
CASE#: SPC-2015-0301AT
 ADDRESS: 1101 E 5th St.
 CASE NAME: Fair Market
 MANAGER: Donna Galati



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: D. Galati



LEGEND

- EXISTING PROPERTY LINE
- EXISTING WATER LINE
- EXISTING FIRE HYDRANT
- EXISTING WASTEWATER LINE
- EXISTING OVERHEAD UTILITY
- EXISTING UTILITY POLE
- EXISTING GAS LINE
- EXISTING PARKING SIGN
- EXISTING STOP SIGN
- EXISTING PARKING METER
- EXISTING REFUSE RECEPTACLE
- EXISTING CONTOUR
- EXISTING BUILDING
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING SAND
- EXISTING PVIOUS OPEN SPACE
- EXISTING TREE
- PROPOSED TREE
- PROPOSED ACCESSIBLE ROUTE

SPECIAL PARKING DETERMINATION SCHEDULE B

Proposed Uses:	General Rental Sales	Photography	Meeting Hall	Art Gallery	Indoor Storage	Business and Professional Office
Size	3,988 SF	1,500 SF	1,800 SF	6,800 SF	2,000 SF	476 SF
Parking Rate	1 space per 275 SF	1 space per 275 SF	1 space per 50 SF	1 space per 300 SF	1 space per 1,000 SF	1 space per 275 SF
Required Parking	14	5	37	23	2	2
Total Required Parking	77					

Proposed Uses:	General Rental Sales	Photography	Meeting Hall	Art Gallery	Indoor Storage	Business and Professional Office
Size	14,534 SF	1,804 SF	1,804 SF	1 unit		
Parking Rate	1 space per 275 SF	1 space per 1,000 SF	2 spaces per unit			
Required Parking	53	2	2	2		
Total Required Parking	59					

PARKING TOTAL:

REQUIRED PARKING:	25 SPACES
SALTILLO T.O.D. PKG REDUCTION 40%:	- 10 SPACES
ON STREET PARKING REDUCTION 10%:	- 2 SPACES
TOTAL PARKING REQUIRED:	13 SPACES
ON SITE (3REG+1HC=4):	4 SPACES
OFFSITE (CORAZON GARAGE):	9 SPACES
TOTAL PARKING PROVIDED:	13 SPACES
BICYCLE PARKING	6 SPACES
LOADING ZONE	1 SPACES

ALL RESPONSIBILITY FOR THE ADEQUACY THESE PLANS REMAINS WITH THE ENGINEER. APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN DOES NOT REMOVE THESE RESPONSIBILITIES.

REVIEWED BY _____ DATE _____

PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

SITE PLAN APPROVAL

Sheet 2 of 3

FILE NUMBER: SPC-2015-0301AT APPLICATION DATE: 07/06/2015

APPROVED BY COMMISSION ON: _____ UNDER SECTION: 112 OF CHAPTER: 25-5 OF THE CITY OF AUSTIN CODE

EXPIRATION DATE (25-5-81, LDC): _____ CASE MANAGER: _____

PROJECT EXPIRATION DATE (ORD, 9970905-A): _____ DWPZ: _____ DDZ: _____

Director, Development Services Department

RELEASED FOR GENERAL COMPLIANCE: _____ Zoning: _____

Rev. 1 _____ Correction 1

Rev. 2 _____ Correction 2

Rev. 3 _____ Correction 3

SITE PLAN NUMBER: SPC-2015-0301AT

EXISTING BUILDING SUMMARY TABLE (NO CONSTRUCTION PROPOSED)

EXISTING USE:	RETAIL/WAREHOUSE	16,338 S.F.
SINGLE FAMILY	676 S.F.	
TOTAL:	17,014 S.F.	
PROPOSED USE:	INDOOR ENTERTAINMENT	16,338 S.F.
SINGLE FAMILY	676 S.F.	
TOTAL:	17,014 S.F.	
EXISTING SQUARE FOOTAGE TO REMAIN:	17,014 S.F.	
(GROSS SQUARE FOOTAGE TO REMAIN:	17,014 S.F.)	
FINISH FLOOR ELEV. COMMERCIAL	474.62, RESIDENCE	479.13
NO. OF STORIES:	COMMERCIAL 1, RESIDENCE	1
BUILDING HEIGHT:	COMMERCIAL	23'-6"
EXISTING FOUNDATION TYPE:	SLAB ON GRADE	
EXISTING BUILDING:	TYPE II-B FITTED WITH APPROVED AUTOMATIC SPRINKLER SYSTEM THROUGHOUT.	
MAX BLDG. ELEVATION ALLOWED:	498.12	

NOTES:

- APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
- NONE OF THE ON-STREET SPACES ARE RESERVED FOR THE DEVELOPMENT AND MAY BE USED BY ANY MEMBER OF THE PUBLIC. THE DEVELOPER SHALL BE AWARE THAT THEY CAN COUNT ON-STREET SPACES AT THEIR OWN RISK; THE SPACES MAY BE REMOVED AT ANY TIME FOR ANY REASON AND THE CITY OF AUSTIN WILL NOT RELOCATE DISPLACED ON-STREET PARKING. IN ADDITION, IF THE ADJOINING STREET APPLIES FOR AND RECEIVES RESIDENTIAL PERMIT PARKING, THE PARKING FOR THE DEVELOPMENT WILL NOT COUNT AS RESIDENTIAL PARKING AND THE RESIDENTS WILL NOT RECEIVE RESIDENTIAL PARKING PERMITS.

ZONING REQUIREMENTS:

ZONING	TOD-NP	ALLOWED	EXISTING /PROPOSED
LOT AREA	37,674.50 SF		
BUILDING HEIGHT	60'	23'-6"	
BUILDING COVERAGE	95%	16,339 SF	43.37%
IMPERVIOUS COVER	95%	18,962 SF	50.33%
FLOOR AREA RATIO	2:1	0.4 : 1	
SETBACKS	NONE	NONE	

MULTIPLE LOTS NOTE

THE SITE IS COMPOSED OF 11 LOTS/TRACTS. IT HAS BEEN APPROVED AS ONE COHESIVE DEVELOPMENT. IF PORTIONS OF THE LOTS/TRACTS ARE SOLD, APPLICATION FOR SUBDIVISION AND SITE PLAN APPROVAL MAY BE REQUIRED.

LEGAL DESCRIPTION

LOTS 1-11, BLOCK 4, OUTLOT 2, DIVISION A, TAYLORS SUBDIVISION, A SUBDIVISION IN THE TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME Z, PAGES 612, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

NOTES:

- NO CONSTRUCTION IS PROPOSED. THIS IS A CHANGE OF USE SITE PLAN ONLY.
- NO COMPATIBILITY REQUIRED. THERE ARE NO RESIDENTIAL USE PROPERTIES WITHIN 350' OF THE SITE.
- THIS USE WILL NOT BE A COCKTAIL LOUNGE OR LATE-HOURS RESTAURANT.

REVISIONS /CORRECTIONS

NO.	DESCRIPTION

NO.	DESCRIPTION

FAIR MARKET

1100 EAST 5TH STREET
AUSTIN, TEXAS 78702

CONDITIONAL USE SITE PLAN

LOC Consultants, LUP

Civil, Structural, & Environmental Engineers

FIRM No. 4756
1715 East 7TH STREET
Austin, Texas 78702
Ph. (512)524-0677

SHEET: 2

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